

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHAMBERS OF
CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE
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REPORT & RECOMMENDATION

Re: Vanderveer v. City of Garfield et al
Civil Action No. 2:15-cv-1963-SRC-CLW

As set forth on the record on August 30, 2017 Plaintiff, Hope Vanderveer, has repeatedly failed to appear for in-person conferences and has continued to ignore several court orders. This Court held an in-person status conference on January 19, 2017, at which Plaintiff was present. As was explained to Ms. Vanderveer at that conference and in the subsequent Order (ECF No. 28), she had sixty days leave to advise the Court whether she wanted to obtain new counsel or proceed pro se. Plaintiff was ordered to appear on March 20, 2017 to inform the Court of her decision. On March 20, 2017 Plaintiff did not appear. The Court was able to locate Plaintiff via telephone and held an on-the-record telephone conference. During that conference Ms. Vanderveer informed the Court that she wanted to dismiss her case voluntarily. (*See* ECF No. 31, Transcript of March 20, 2017 Conference at 5.) The Court directed Plaintiff to write a letter to the Court indicating that she no longer wished to go through with the case and Ms. Vanderveer indicated she would do so. (Tr. at 5-6.)

When the Court did not receive any letter, it issued an order on May 12, 2017 (ECF No. 32), that Ms. Vanderveer appear on June 29, 2017 and show cause as to why her case should not be dismissed for failure to prosecute. Ms. Vanderveer's mail was returned as undeliverable and the Show Cause Hearing was adjourned. The Court had an off-the-record conversation with Ms. Vanderveer regarding the June Order to Show Cause, where she again explained that she did not wish to proceed with her case. The Court again directed Ms. Vanderveer to formalize her wishes in a letter, but never received any letter from Ms. Vanderveer.

On July 19, 2017 the Court issued another order to show cause for failure to prosecute returnable on August 30, 2017 (ECF No. 35). The order specifically indicated that should Plaintiff fail to appear the Court, in its discretion, would dismiss the case with prejudice. The Court received confirmation via certified mail that this order was sent to the appropriate address on record for Ms. Vanderveer. Ms. Vanderveer's failure to appear on August 30, 2017 is consistent with the desires she expressed both on the record on March 20, 2017 and off-the-record since that date. Based on the foregoing, the Court respectfully recommends that the District Judge dismiss this case with prejudice, for failure to prosecute pursuant to Local Civil Rule 41.1(a) or to otherwise comply with court issued orders.

SO ORDERED

Dated: August 31, 2017

s/Cathy L. Waldor
CATHY L. WALDOR
United States Magistrate Judge